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From the Folk Lore of

OLD HAWAII

By MRS. F. R. DAY

WITH FINE ILLUSTRATIONS BY
D. HOWARD HITCHCOCK,

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JUDGE DAVIS FREES MIND ABOUT POLITICS

Lee Yau, alleged by the United States authorities to be the wife of Yee Chin of Wo Sing & Co., but claimed by Yee Sing to be only his daughter, and whom the United States on its contention endeavored to have deported as being unlawfully in the Hawaiian Islands, gained her freedom yesterday afternoon. The case came up before U. S. Commissioner George A. Davis, U. S. District Attorney Breckons prosecuting and Judge Stanley defending the girl, who is quite a comely Chinese maiden. Judge Davis found the preponderance of evidence insufficient to hold the girl. In giving his opinion Judge Davis also had occasion to give vent to remarks anent any judge making an address regarding politics from the bench. His opinion and remarks were as follows:

It appears that the alleged father of this girl, a Chinese merchant, is a citizen of the United States, having become one by virtue of the provision of the Act of Congress of the United States to provide a Government for the Territory of Hawaii, approved April 30, 1900, wherein it is provided by section 4 that all persons who were citizens of the Republic of Hawaii on August 12, 1898, are hereby declared to be citizens of the United States and citizens of the Territory of Hawaii. As to the wisdom of this provision my judicial position and a desire to maintain the dignity of my office and what is clearly required of me by judicial ethics, forbids me to express an opinion on the question. Congress has passed the law. All I am called upon to do is to interpret and construe it. Any judicial officer who so far forgets himself and the duties imposed upon him by his high calling as to be constantly expressing opinions upon political questions while on the bench, leaves himself open to the suspicion that he takes advantage of his position to keep his name before the public and to be talked about as an oracle. It seems to me that such conduct is highly improper. Whether or not Orientals, Japanese and Chinamen should become American citizens is an open and debatable question that the press, Congress, politicians and voters should discuss in the appropriate forum. Public opinions as to the wisdom of passing laws to grant them the right to become citizens is divided in this Territory. There are those who wish to make Hawaii an American Territory. There are those who wish to make Hawaii an American Territory in fact as well as in name, who believe that such legislation would be unwise and destroy her chances for Statehood as well as to hamper and crowd the Americans who are now here so as to make it an undesirable place to live in. Which side of the question I shall take at the proper time and in the proper place I shall not announce from my seat as U. S. Commissioner for this Territory. A man because he exercises judicial functions is not precluded from having pronounced opinions upon social and political questions. Yet the bench is no place for him to air his views.

I can not but say that this particular Chinese-American citizen, under the evidence in this case, has allowed his daughter to reach the age of 18 without affording her the means to learn to read or write; the value of such a man as a citizen can be estimated and found by those interested in this great social and political problem. I am not here to try him for neglect of the high duties that citizenship imposes, but I am amazed at his utter disregard of parental duty if his story is true, as detailed by him under oath this day. It has not been established by a preponderance of evidence that this girl is now unlawfully within the limits of the United States, and my plain duty is to dismiss this case and to discharge her from custody, and she is free to depart from this court as soon as I place the order for her release in the hands of the United States Marshal.

CENTRAL UNION CHURCH.

Rev. J. Walter Sylvester, D. D., will preach both morning and evening. Morning subject, "The Star Element in Christianity"; evening subject, "The Christmas Motive." In the evening there will be special Christmas music. The program follows:

Organ Prelude.
Hymn—"Hark, the Herald Angels Sing."
Organ Voluntary—"Pilgrims (thorus)" Wagner-Liszt
Miss Margaret Clarke.
Prayer.
Response—"Father, O Hear Us".... Handel
Offertory—"O Lord Be Merciful".... Barlette
Baritone Solo, Mr. Chester Livingston.
Prayer of Consecration.
Violin Solo—"Elegie".... A. Bazzini
Miss White.
Address—"The Christmas Motive".... Rev. J. Walter Sylvester, D. D.
Contralto Solo—"The Babe of Bethlehem".... Dressler
Miss Gertrude Hall.
Hymn—"Hark, Ten Thousand Harps and Voices."
Benediction.

A cordial invitation is extended to all.

BAND NOTES.

The band will play this afternoon at Aala Park and tomorrow afternoon at Makee Island, Waikiki. There will be no Monday evening concert at Emma Square. On Christmas Day (Tuesday) the band will play at the football game.

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In Our Shoe Department

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Music every evening.

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